

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DAVID GERALD PETRUS,

Petitioner,

VS.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. C-08-146

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO SUMMARILY DISMISS PETITIONER'S HABEAS PETITION**

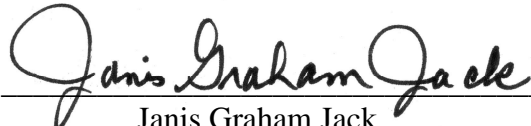
On June 25, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner's petition for writ of habeas corpus (D.E. 1) be summarily dismissed as an abuse of the writ; or alternatively, that petitioner's claim be dismissed for lack of merit. The Memorandum and Recommendation further recommended that a certificate of appealability be denied. On July 16, 2008, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that petitioner's petition for writ of habeas corpus (D.E. 1) is summarily dismissed as an abuse of the writ. Certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 16th day of July, 2008.



Janis Graham Jack
United States District Judge